

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

ZACHERY JONES, et al.

Defendants.

No. 1:23-cv-01214-JLT-SAB (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS

(ECF No. 9)

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983.

On September 12, 2023, the Court directed that Plaintiff shall either pay the \$402.00 filing fee or submit the completed application to proceed without prepaying fees or costs by a non-prisoner. (ECF No. 7.) After Plaintiff failed to the comply with the Court's order, an order to show cause why the action should not be dismissed was issued on October 10, 2023. (ECF No. 8.)

On October 13, 2023, Plaintiff filed a completed application to proceed in forma pauperis by a non-prisoner. (ECF No. 9.) The Court finds Plaintiff's application demonstrates entitlement to proceed without prepayment of fees. In light of Plaintiff's filing, the Court will discharge the order to show cause issued on October 10, 2023. Notwithstanding this order, the Court does not direct that service be undertaken until the Court screens the complaint in due course and issues its screening order.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The order to show cause issued on October 10, 2023 (ECF No. 8) is DISCHARGED.

2. Plaintiff's application to proceed in forma pauperis (ECF No. 9) is GRANTED.

3. Service shall not be undertaken until the Court screens the complaint in due course and issues its screening order.

IT IS SO ORDERED.

Dated: **October 13, 2023**



UNITED STATES MAGISTRATE JUDGE